

**ATTACHMENT A**

**Proposed Amendments  
to the  
California Code of Regulations  
Title 23. Waters**

**Division 3. State Water Resources Control Board  
and Regional Water Quality Control Boards  
Chapter 26. Wastewater Treatment Plant  
Classification, Operator Certification<sup>0</sup>, and  
Contract Operator Registration**

**PROPOSED AMENDMENTS**

**SEPTEMBER 2017  
State Water Resources Control Board  
Division of Financial Assistance**

The proposed changes: insertions shown as underline and deletions shown as ~~strikethrough~~.

# **DRAFT**

## **TITLE 23. WATERS DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION**

### **Article 4. Operators-in-Training**

§ 3682.2. Issuance of an Operator-in-Training Certificate.

- (a) Within 30 days of receipt of a complete application and payment of the certification fee prescribed in article 10, the Office of Operator Certification shall issue an operator-in-training certificate or inform the applicant of the reason the certificate will not be issued. The operator-in-training certificate shall be issued in the name of the applicant and mailed to the chief plant operator at the mailing address of the wastewater treatment plant where the applicant will be in training.
- (b) An operator-in-training certificate shall include:
  - (1) the name and grade level of the operator-in-training;
  - (2) the issue and expiration dates of the certificate;
  - (3) the name of the wastewater treatment plant where the operator-in-training will be training;
  - (4) the State Water Board seal;
  - (5) the name, "State Water Resources Control Board;" and
  - (6) the signature of a State Water Board member or designee.
- (c) The Office of Operator Certification may refuse to issue an operator-in-training certificate if it determines that the applicant has committed any act in violation of this chapter.
- (d) Except as provided in subdivision (e), operator-in-training certificates shall be valid for ~~two~~ three years.
- (e) The expiration date of Grade II through Grade V operator-in-training certificates shall not exceed the expiration date of the applicant's passed examination results.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

§ 3682.3. Renewal of an Operator-in-Training Certificate.

- (a) An applicant for renewal of an operator-in-training certificate must have completed the minimum amount of education prescribed in section 3687 for certification as an operator at the grade level for which a renewed operator-in-training certification is requested.
- (b) Except as provided in section 3682.4(d), a valid, unexpired Grade I operator-in-training certificate may be renewed once for a ~~two-year~~ three-year period provided the operator-in-training has passed an examination at the Grade I level or higher before the expiration of the initial certificate and the operator-in-training's examination results have not expired.
- (c) A valid, unexpired Grade II through Grade V operator-in-training certificate may be renewed once for a ~~two-year~~ three-year period provided the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired.
- (d) Following an initial renewal pursuant to subdivisions (a) or (b), and except as provided in section 3682.4(d), a valid, unexpired Grade I through Grade V operator-in-training certificate may be renewed repeatedly for additional ~~two-year~~ three-year periods if the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired, and the chief plant operator submits a plan for the operator-in-training to acquire the qualifying experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3687. The plan shall include:
  - (1) the chief plant operator's original signature verifying:
    - (i) the applicant's qualifying experience acquired at that wastewater treatment plant; and
    - (ii) a description of the duties that the applicant performs and/or will be performing at that wastewater treatment plant.
  - (2) information regarding qualifying experience the applicant may have acquired at another wastewater treatment plant;
  - (3) the applicant's original signature;
  - (4) the average number of hours per week the applicant will be training at the wastewater treatment plant to acquire qualifying experience;
  - (5) an estimate of the amount of time required for the applicant to acquire the qualifying experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3687; and
  - (6) additional information, evidence, statements, or documents to support the application for renewal as requested by the Office of Operator Certification.

- (e) At least 60 days before the expiration of an operator-in-training certificate, the Office of Operator Certification shall send a written notice of the expiration date to the chief plant operator at the wastewater treatment plant where the operator-in-training is training and to the operator-in-training. Failure to receive a notice of the expiration date does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.
- (f) An application for renewal shall include:
  - (1) the applicant's name, mailing address, grade level, and classification or title;
  - (2) the name, contact information, and signature of the chief plant operator of the wastewater treatment plant where the operator-in-training is in training;
  - (3) the renewal fee prescribed in article 10; and
  - (4) if the operator-in-training is applying for a renewal certificate pursuant to subdivision (c), a plan containing the information required by subdivision (c) submitted by the chief plant operator at the wastewater treatment plant where the operator-in-training is training.
- (g) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the renewal application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority cited: Sections 1058 and 13627, Water Code.  
Reference: Sections 13627 and 13628, Water Code.

## **Article 8. Certification of Wastewater Treatment Plant Operators**

### **§ 3702.1. Issuance of Certificates.**

- (a) An operator certificate shall include:
  - (1) the operator's name and grade level;
  - (2) the certificate number;
  - (3) the issue and expiration dates of the certificate;
  - (4) the State Water Board seal;
  - (5) the name, "State Water Resources Control Board;" and
  - (6) the signature of a State Water Board member or designee.

- (b) Upon successful completion of the application and examination process and within 30 days of payment of the certification fee prescribed in article 10, the Office of Operator Certification shall issue an operator certificate. If an operator is employed at more than one wastewater treatment plant, the Office of Operator Certification shall issue duplicate operator certificates to the operator for posting at each wastewater treatment plant.
- (c) The Office of Operator Certification may refuse to issue a certificate if it determines that the applicant has committed any act in violation of this chapter.
- (d) Operator certificates shall be valid for ~~two~~three years from the date of issue.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

#### § 3702.2. Application for Certificate Renewal.

- (a) An operator certificate may be renewed repeatedly for ~~two-year~~three-year periods.
- (b) At least 60 days before the expiration of an operator certificate, the Office of Operator Certification shall send a written notice of the expiration date to the operator. Failure to receive a notice of the expiration date does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.
- (c) An application for renewal shall include:
  - (1) the applicant's name, mailing address, grade level, certificate number, and classification or title;
  - (2) if employed as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed, and the name of the chief plant operator; and
  - (3) the renewal fee prescribed in article 10.
- (d) Within 30 days of receipt of a renewal application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.
- (e) If there is a deficiency, and the deficiency is not corrected before expiration of the certificate, the Office of Operator Certification shall not issue a renewal certificate. After the applicant pays the reinstatement fee prescribed in section 3717, the Office of Operator Certification shall issue a new certificate if the requirements of section 3702.4 are met.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

#### § 3702.3. Issuance of Renewal Certificate.

- (a) Within 30 days of receipt of a completed application for renewal and the renewal fee, the Office of Operator Certification shall issue a renewal certificate or inform the applicant of the reason the certificate shall not be issued.

- (b) The Office of Operator Certification may refuse to renew a certificate if it determines that the applicant has:
  - (1) operated a wastewater treatment plant with an expired operator certificate;
  - (2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or
  - (3) committed any other act in violation of this chapter.
- (c) A renewal certificate shall include:
  - (1) the operator's name and grade level;
  - (2) the certificate number;
  - (3) the issue date of the initial certificate and the expiration date of the renewal certificate;
  - (4) the State Water Board seal;
  - (5) the name, "State Water Resources Control Board;" and
  - (6) the signature of a State Water Board member or designee.
- (d) The expiration date of a renewed certificate shall be ~~two~~ three years from the expiration date of the certificate being renewed.

Authority: Sections 1058, 13627, and 13628, Water Code.  
Reference: Sections 13627 and 13628, Water Code.

#### § 3702.4. Reinstatement.

- (a) An expired operator certificate may be reinstated within one year following expiration if the applicant applies for reinstatement as prescribed in this section.
- (b) Experience acquired under the expired certificate shall be credited to the reinstated certificate.
- (c) An application for reinstatement shall include:
  - (1) all the information prescribed in section 3702.2;
  - (2) a signed statement regarding whether a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant, has ever: taken final action to revoke or suspend the applicant's certification or registration; taken final action to discipline or impose administrative civil liability on the applicant or conducted an investigation regarding the applicant; or imposed civil or criminal liability upon the applicant; and
  - (3) the renewal and reinstatement fees prescribed in article 10.

- (d) The Office of Operator Certification may refuse to reinstate a certificate if it determines that the applicant has:
- (1) operated a wastewater treatment plant with an expired operator certificate;
  - (2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or
  - (3) committed any other act in violation of this chapter.
- (e) The expiration date of a reinstated certificate shall be ~~two~~ three years from the date of reinstatement of the certificate.
- (f) A certificate that has been expired for more than one year shall not be reinstated. Upon passing another examination at the appropriate grade level, an applicant whose certificate has been expired for more than one year may apply for a new certificate in accordance with section 3702.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

## **Article 10. Fees**

### **§ 3717. Operator, Provisional Operator, and Operator-In-Training Fees.**

- (a) Except for examination fees that are refundable pursuant to section 3700(e), all fees are nonrefundable.
- (b) Application fees for an examination are:

<del>Grade I:</del>	<del>\$70</del>
<del>Grade II:</del>	<del>\$90</del>
<del>Grade III:</del>	<del>\$130</del>
<del>Grade IV:</del>	<del>\$140</del>
<del>Grade V:</del>	<del>\$140</del>

### Operator Examination Application Fee Schedule

<u>Grade</u>	<u>Application Fee</u>	<u>Re-examination Application Fee</u>
<u>I</u>	<u>\$70</u>	<u>\$35</u>
<u>II</u>	<u>\$90</u>	<u>\$45</u>
<u>III</u>	<u>\$130</u>	<u>\$65</u>
<u>IV</u>	<u>\$140</u>	<u>\$70</u>
<u>V</u>	<u>\$140</u>	<u>\$70</u>

(c) Examination fees are:

Grade I: \$70  
Grade II: \$90  
Grade III: \$220  
Grade IV: \$300  
Grade V: \$300

Operator Examination Fee Schedule

<u>Grade</u>	<u>Examination Fee</u>
<u>I</u>	<u>\$50</u>
<u>II</u>	<u>\$65</u>
<u>III</u>	<u>\$165</u>
<u>IV</u>	<u>\$225</u>
<u>V</u>	<u>\$225</u>

(d) The provisional operator certification fee is ~~\$170~~ \$125. ~~Operator~~ Except as provided in subdivision (e), the operator and operator-in-training certification fees are:

Grade I: \$125  
Grade II: \$170  
Grade III: \$225  
Grade IV: \$255  
Grade V: \$255

Fee Schedule for Operators and Operators-in-Training With a Single Certificate

<u>Grade</u>	<u>Certification Fee</u>	<u>Triennial Renewal Fee</u>
<u>I</u>	<u>\$125</u>	<u>\$150</u>
<u>II</u>	<u>\$170</u>	<u>\$150</u>
<u>III</u>	<u>\$225</u>	<u>\$150</u>
<u>IV</u>	<u>\$255</u>	<u>\$150</u>
<u>V</u>	<u>\$255</u>	<u>\$150</u>

(e) ~~Operator and operator-in-training certification renewal fees are:~~ Notwithstanding subdivision (d), the certification fees for those operators who are applying for, or hold, two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator are:

Grade I: \$170  
Grade II: \$230  
Grade III: \$300  
Grade IV: \$340  
Grade V: \$340



Fee Schedule for Operators and Operators-in-Training With Multiple Certificates

<u>Grade</u>	<u>Certification Fee per Certificate</u>	<u>Triennial Renewal Fee per Certificate</u>
<u>I</u>	<u>\$95</u>	<u>\$110</u>
<u>II</u>	<u>\$125</u>	<u>\$110</u>
<u>III</u>	<u>\$170</u>	<u>\$110</u>
<u>IV</u>	<u>\$190</u>	<u>\$110</u>
<u>V</u>	<u>\$190</u>	<u>\$110</u>

- (f) The reinstatement fee for all grades levels is \$100.
- (g) The fee for replacing a lost, stolen, damaged, or destroyed certificate is \$50.
- (h) Applicants for an examination waiver shall pay an examination waiver fee of \$100 in addition to the certification fee.

Authority: Sections 1058 and 13628, Water Code.  
Reference: Sections 13627 and 13628, Water Code.